

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CRUZ VALDIVIESO FIGUERA,

CASE NO: 0:22-CV-61553-WPD

Plaintiff,

v.

ALL VIP CARE, INC., & LIZ  
VELAZQUEZ McKINNON,

Defendants.

/

**DEFENDANTS' MOTION TO WITHDRAW FILING NUMBER DE-56**

The Defendants, ALL VIP CARE, INC. (“VIP”) and LIZ VELAZQUEZ McKINNON, (“McKinnon”) (collectively, “Defendants”), file this Motion to Withdraw Filing Number DE-56, and in support thereof states:

1. This filing [DE-56] was made on July 14, 2023, intending to represent the filing as the Defendants’ Statement of Material Facts with the Exhibits in support thereof as an attachment.
2. The filing [DE-56] by the undersigned counsel (for the Defendants), erroneously titled the filing as the Defendants Motion for Summary Judgment.
3. The Motion for Summary Judgment was then filed as [DE-57.]
4. The Defendants’ Statement of Undisputed Material Facts along with the Exhibits was then filed as [DE-58.]
5. As such, filing [DE-56], which was erroneously labelled is moot as the corrected filings were made in [DE-57 and DE-58.]
6. As ordered by the Court [DE-55] the undersigned reviewed Local Rule 56.1, prior to the above filings.

WHEREFORE the Defendants respectfully request that [DE-56] be withdrawn and be deemed moot, as the correct filings were made under [DE-57 and DE-58.]

Respectfully submitted:

/s/ RANDY M. GOLDBERG, ESQUIRE

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**CERTIFICATION OF SERVICE**

I hereby certify that a copy of this pleading which was filed with the Clerk of the Court was provided to Brian Pollock, Esq., Counsel for Plaintiff, at 135 San Lorenzo Ave., Ste. 770, Coral Gables, FL 33146, brian@fairlawgroup.com via the Court's ECM/ECF Portal on July 14, 2023

/s/ RANDY M. GOLDBERG, ESQUIRE

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